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09/539,723	03/30/2000	Robert Vallone	TIVO0047	8877

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EXAMINER

VU, THANH T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 09/06/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/539,723

Applicant(s)

VALLONE ET AL.

Examiner

Thanh T Vu

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-117 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-117 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapuis et al. ("Chapuis", U.S. Pat. No. 6,023,267) in view of Shein et al. ("Shein", U.S. Pat. No. 6,323,911) and Proehl et al. ("Proehl" U.S. Pat. No. 6,133,962).
3. Per claim 1, Chapuis teaches a process for presenting interactive program guide information to a user, comprising the steps of: providing a program guide area; receiving user command input; displaying a list of items in a first column in said program guide area; displaying list of items in a second column in said program guide area; and wherein the user scrolls or pages up and down the list of items (fig. 1-2; col. 3, lines 4-19; col. 6, lines 36-38; col. 10, lines 34-37), but does not teach wherein said program guide area is semi-transparent and overlays the broadcast program that the user is currently watching, allowing the user to see the progress of the broadcast program; said first column displays the available program channels in a rotating endless channel list; and said second column displays the program list for a specific channel. However, Proehl teaches a process wherein said program guide area is semi-transparent and overlays the broadcast program that the user is currently watching, allowing the user to see the progress of the broadcast program (col. 4, lines 4-9). In addition, Schein teaches a process to display a program channel list and a program list for a specific channel (fig. 4B; Col 10, lines 22-

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29). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the process as taught by Proehl to the invention of Chapuis and also to display a program channel list and a program list for a specific channel as taught by Schein in the first column and the second column respectively in the invention of Chapuis. With the modifications to Chapuis's invention, it will allow a user to view currently broadcasting program while navigating through the program guide, and present a convenient way to display a program list for a specific channel to a user.

4. Per claim 2, Chapuis teaches the process of claim 1, further comprising the step of: highlighting an element in a column; and said highlight step is responsive to a user's commands (col. 6, lines 38-39).

5. Per claim 3, Chapuis teaches the process of claim 2, wherein said highlight step displays a highlight bar to highlight an element (fig. 2; col. 6, lines 38-39).

6. Per claim 4, Chapuis teaches the process of claim 2, wherein said second column displays the program list for a channel highlighted by the user (fig. 2; col. 6, lines 38-39, col. 9, lines 1-3).

7. Per claim 5, Chapuis teaches the process of claim 2, wherein whispering arrows are displayed when information exists in the indicated direction and wherein information is more detailed as the highlight is moved to the right (fig. 2; col. 6, lines 20-24, lines 34-36).

8. Per claim 6, Chapuis teaches the process of claim 1, further comprising the step of displaying a start time; and wherein said start time is modifiable by the user (col 7, lines 65-66), but does not specifically teach that the start time is positioned above said first column. However, Official Notice is given that the position of the start time function can be anywhere in the program guide area was well known in the art of graphical user interface. Therefore, it would

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have been obvious to one of ordinary skill in the art at the time of the invention to place the start time above the first column to the invention of Chapuis as another choice of presenting the information to user.

9. Per claim 7, Chapuis teaches the process of claim 6, wherein said channel list comprises channel numbers, channel IDs and the name of the program playing during said start time on each channel number (col. 9, lines 19-20).

10. Per claim 8, Chapuis teaches the process of claim 6, wherein said second column displays programs for the selected channel starting from said start time (fig. 2; col. 9, lines 1-3).

11. Per claim 9, Chapuis teaches the process of claim 2, further comprising the step of: displaying a description of a program highlighted by the user in said program guide area (fig. 4).

12. Per claim 10, Chapuis teaches the process of claim 9, wherein said program description is displayed in the program guide area (fig. 4), but does not specifically teach that the program description is displayed above said first and said second columns. However, Office Notice is given that the position of the program description can be anywhere in the program guide area was well known in the art of graphical user interface. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to display the program description above said the first column and said second column in the invention of Chapuis as another choice of implementation to display the program description.

13. Per claim 11, Chapuis teaches the process of claim 1, further comprising the step of: displaying the channel number and ID in the program guide area; and wherein said channel number and ID are modifiable by user (fig. 2; col. 7, lines 38-40, lines 46-47), but doesn't specifically teach displaying the channel number and ID above said second column. However,

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Official Notice is given that the position of the channel number and ID can be anywhere in the program guide area was well known in the art of graphical user interface. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to place the channel number and ID above the second column to the invention of Chapuis as another choice of presenting the information to user.

14. Per claim 12, Chapuis teaches the process of claim 11, wherein said channel list follows the user's channel selections, scrolling backward or forward in said channel list (fig. 2; col.6, lines 36-38; col. 7, lines 38-40).

15. Claim 13 is similar in scope to claim 11 and therefore is rejected under similar rationale.

16. Claim 14, Chapuis teaches the process of claim 13, wherein said program list changes to the programs associated with the channel number highlighted by the user, starting at the time indicated above said first column (fig. 2; col 6, lines 38-39; col. 7, lines 46-47).

17. Claim 15, Chapuis teaches the process of claim 1, wherein said program list lists the start time of each program next to the program name, said program list is in descending order from the most recent time to the latest time (fig. 2; col. 9, lines 53-55).

18. Claim 16, Chapuis teaches the process of claim 1, wherein said program list lists the start time of each program next to the program name and continues the intermediate time intervals by listing each half, quarter hour, or selectable intervals, and wherein the duration of each program is displayed using an indicator extending from the program start time down to the program end time (fig. 2; col. 7, lines 65-67; col. 8, lines 1-3; col. 10, lines 15-16).

19. Claim 17, the process of claim 2, wherein the user highlights a program in said second column and moves said highlight to the right to obtain a detailed information screen for said program (fig. 2; col. 6, lines 32-39).

20. Claims 18-19, Chapuis teaches process for presenting interactive program guide information to a user, comprising the steps of: providing a program guide area (fig. 1-2); receiving user command input; displaying a first column in said program guide area; said first column displays channel sorting methods available to the user; displaying a second column in said program guide area (col. 3, lines 4-19); displaying a third column in said program guide area (col. 2, line 31, lines 48-50); and wherein the user scrolls or pages up or down a list of events (col. 6, lines 36-38; col. 10, lines 34-37), but does not teach wherein said program guide area is semi-transparent and overlays the broadcast program that the user is currently watching, allowing the user to see the progress of the broadcast program; said second column displays the available program channels in a rotating endless channel list; and said third column displays the program list for a specific channel; and wherein the user scrolls or pages up or down said program list.

However, Proehl teaches a process wherein said program guide area is semi-transparent and overlays the broadcast program that the user is currently watching, allowing the user to see the progress of the broadcast program (col. 4, lines 4-9). In addition, Schein teaches a process to display a program channel list and a program list for a specific channel (fig. 4B; Col 10, lines 22-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the process as taught by Proehl to the invention of Chapuis and also to display a program channel list and a program list for a specific channel as taught by Schein to

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the second column and the third column respectively in the invention of Chapius. With the modifications to Chapius's invention, it will allow a user to view currently broadcasting program while navigating through the program guide, and present a convenient way to display a program list for a specific channel to a user.

21. Per claim 20, Chapius teaches the process of claim 19, wherein two columns are displayed at a time (fig. 2).

22. Per claim 21, Chapius teaches the process of claim 20, wherein said first column and said second column are displayed in said program guide area (fig. 2).

23. Claim 22 is similar in scope to claim 2 and therefore is rejected under similar rationale.

24. Per claim 23, Chapius teaches the process of claim 22, wherein said second column displays the available channels that correspond to the sorting method highlighted by the user (fig. 2; col. 7, lines 1-5).

25. Per claim 24, Chapius teaches the process of claim 22, wherein the user moves the highlight to the right of said second column to display said second and said third columns in said program guide area (fig. 2; col. 6, lines 32-39).

26. Claim 25 is similar in scope to claim 3 and therefore is rejected under similar rationale.

27. Per claim 26, Chapius teaches the process of claim 22, wherein said third column displays the program list for a channel highlighted by the user (fig. 2; col. 6, lines 38-39; col. 9, lines 1-3).

28. Claims 27- 39 are similar in scope to claim 5-17 and therefore are rejected under similar rationale.



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29. Claims 40- 56 are similar in scope to claim 1-17 and therefore are rejected under similar rationale.

30. Claims 57- 78 are similar in scope to claim 18-39 and therefore are rejected under similar rationale.

31. Claims 79-95 are similar in scope to claim 1-17 and therefore are rejected under similar rationale.

32. Claims 96- 117 are similar in scope to claim 18-39 and therefore are rejected under similar rationale.

### ***Conclusion***

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mugura et al. (U.S. Pat. No. 6,243,142) teaches a method and apparatus for displaying time and program status in a electronic program guide.

Ohkura et al. (U.S. Pat. No. 6,138,009) teaches a program guide controller.

Ohkura et al. (U.S. Pat. No. 6,005,601) teaches an apparatus for and method of controlling display of electronic program guide.

Yuen et al. (U.S. Pat. No. 6,239,784) teaches a method and system for simultaneously displaying a television program and information about the program.

### ***Inquiries***

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T Vu whose telephone number is (703)-308-9119. The examiner can normally be reached on M-F 8:00 AM - 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-746-7239 for regular communications and (703)-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

TV  
August 23, 2002

*Kristine Kincaid*  
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